

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with James Benin, reg. no. 60,692 on February 27, 2009.

3. The claims have been amended as follows:

a. Replace claim 11 to read as of the following,

In Claim 11,

11. (Currently Amended) A method comprising:
requesting ~~media content~~ a ring tune by sending a message with a header including a mobile identification number from ~~said~~ a mobile station;
receiving a ~~message file~~ with said media content ring tune requested, a reply Universal Resource Locator (URL) identifying a server, and a transaction identification at said mobile station;
verifying a format of said ~~media content file~~;
temporarily saving said ~~media content file~~ within said mobile station based on the format of said ~~media content file~~;
~~previewing at least a portion of said media content on said mobile station, the previewed portion of said media content being a specifically requested portion of said media content~~ said ring tune on said mobile station;

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sending a primitive with said mobile identification number from said mobile station to said server identified by said reply URL upon acceptance of said ring tune; creating a usage record from said primitive;
receiving, at the mobile station, permission to save said ~~media-content~~ ring tune in response to receipt of the primitive at said server; [[and]]
permanently saving said ~~media-content~~ ring tune within said mobile station only when the permission to save has been received from said server[.];
reporting and updating said usage record upon use of said ring tune employing said reply URL; and
receiving credit on a bill for compensating the use of said ring tune.

b. Replace claim 12 to read as of the following,

In Claim 12,

12. (Currently Amended) The method as recited in Claim 11 wherein said ~~message file~~ with said ~~media-content~~ ring tune requested, said reply URL and said transaction identification conforms to a Multimedia Internet Mail Extension (MIME) format.

c. Replace claim 13 to read as of the following,

In Claim 13,

13. (Currently Amended) The method as recited in Claim 11 further comprising sending a message from said mobile station to said server to update [[a]] said usage record employing said reply URL when said mobile station uses said ~~media-content~~ ring tune.

d. Replace claim 14 to read as of the following,

In Claim 14,

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14. (Currently Amended) The method as recited in Claim 11 further comprising receiving [[a]] the bill indicating the use of said ~~media content~~ ring tune by said mobile station.

e. Replace claim 15 to read as of the following,

In Claim 15,

15. (Currently Amended) The method as recited in Claim 11 ~~wherein said communication system~~ further includes a secure connection between said mobile station and said server.

f. Replace claim 16 to read as of the following,

In Claim 16,

16. (Currently Amended) A method comprising:
requesting a ring tune deck from a media server by entering a Universal Resource Locator (URL) thereof;
providing a media deck corresponding to said ring tune deck to ~~said~~ a mobile station;
receiving a selection of a category from said media deck;
providing specific links to ring tunes based on said category selected from said media deck;
receiving a selection of a ring tune from said specific links to said ring tunes;
generating a transaction number based on selecting said ring tune and sending a file with [[a]] said ring tune selected and a reply URL to said mobile station;

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verifying a format of said file and temporarily storing said file within said mobile station;

providing for a preview of ~~previewing at least a portion of said file on said mobile station, the previewed portion of said file being a specifically requested portion of said file~~ said ring tune on said mobile station;

generating a primitive including a mobile identification number of the mobile station, the primitive being generated using said reply URL upon acceptance of said ~~file~~ ring tune and sending an acceptance message to said media server;

creating a usage record from said acceptance message;

transmitting a confirmation reply message to said mobile station in response to receipt of the primitive at the media server;

permanently storing said ~~file~~ ring tune within said mobile station only when permission to save has been received from the media server; [[and]]

reporting and updating said usage record upon use of said ring tune employing said reply URL; and

receiving ~~compensation based on the usage record~~ credit on a bill for compensating the use of said ring tune.

g. Replace claim 23 to read as of the following,

In Claim 23,

23. (Currently Amended) The method as recited in Claim 16 wherein said ~~selecting~~ selection of said ring tune is performed by scrolling through said specific links to said ring tunes using a scroll key and softkeys or depressing a key of said mobile station.

h. Replace claim 25 to read as of the following,

In Claim 25,

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25. (Currently Amended) The method as recited in Claim 16 wherein said generating said transaction number also includes generating a database record associated with said transaction number.

i. Replace claim 29 to read as of the following,

In Claim 29,

29. (Currently Amended) The method as recited in Claim 16 further comprising providing [[a]] the credit based on ~~selecting~~ said selection of said ring tune.

j. Replace claim 30 to read as of the following,

In Claim 30,

30. (Currently Amended) The method as recited in Claim 16 further comprising updating [[a]] the bill for said mobile station based upon said usage record.

k. Replace claim 31 to read as of the following,

In Claim 31,

31. (Currently Amended) An apparatus comprising:

a processor in communication with a memory device and configured to cause the apparatus to perform at least the following:

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request ~~media-content~~ a ring tune by sending a message with a header including a mobile identification number of the apparatus;

receive a ~~message file~~ including the requested ~~media-content~~ ring tune, a reply Universal Resource Locator (URL) identifying a server, and a transaction identification;

verify a format of said ~~media-content file~~;

temporarily save the ~~requested-media-content file~~ in the memory device based on the format of said ~~media-content file~~;

preview at least a ~~portion of the requested ring tune media-content~~ at the apparatus, ~~the previewed portion of the requested media-content being a specifically requested portion of the requested media-content~~;

send a primitive with the mobile identification number to the server identified by the reply URL upon acceptance of said ring tune;

receive, at the apparatus, permission to save the requested ~~media-content~~ ring tune in response to receipt of the primitive at the server; [[and]]

permanently save the ~~media-content ring tune~~ within the memory device only when the permission to save has been received from the server [[.]];

report and update a usage record created at the server upon use of said ring tune employing said reply URL; and

wherein the use of the ring tune is compensated by receiving credit on a bill.

1. Replace claim 32 to read as of the following,

In Claim 32,

32. (Currently Amended) The apparatus of claim 31, wherein the ~~message file~~ including the ~~media-content ring tune~~, the reply URL and the transaction identification conforms to a Multimedia Internet Mail Extension (MIME) format.

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m. Replace claim 33 to read as of the following,

In Claim 33,

33. (Currently Amended) An apparatus comprising a processor configured to cause the apparatus to:

- receive a request from a mobile station for a ring tune deck identified by a Universal Resource Locator (URL) of the ring tune deck;
- provide a media deck corresponding to the ring tune deck to the mobile station;
- receive a selection of a category from the media deck;
- provide specific links to ring tunes based on the received category selection from the media deck;
- receive a selection of a ring tune from the specific links to the ring tunes;
- generate a transaction number based on the selection of the ring tune and send a file that conforms to a Multimedia Internet Mail Extension (MIME) format with [[a]] said ring tune selected and a reply URL to the mobile station;
- receive a primitive including a mobile identification number of the mobile station and including the reply URL indicating acceptance of the [[file]] ring tune by the mobile station following a previewing of ~~a specifically requested portion of the file~~ said ring tune selected at the mobile station;
- create a usage record from the received primitive indicating the acceptance of the [[file]] ring tune;
- transmit a confirmation reply message to the mobile station to thereby grant permission for the mobile station to permanently store the [[file]] ring tune within the mobile station; and
- receive a report and update of the usage record upon use of the ring tune employing the reply URL; and
- provide ~~compensation based on the usage record~~ credit on a bill for compensating the use of the ring tune.

n. Replace claim 34 to read as of the following,

In Claim 34,

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34. (Currently Amended) A method comprising:

- receiving a request from a mobile station for a ring tune deck identified by a Universal Resource Locator (URL) of the ring tune deck;
- providing a media deck corresponding to the ring tune deck to the mobile station;
- receiving a selection of a category from the media deck;
- providing specific links to ring tunes based on the received category selection from the media deck;
- receiving a selection of a ring tune from the specific links to the ring tunes;
- generating a transaction number based on the selection of the ring tune and sending a file with [[a]] said ring tune selected and a reply URL to the mobile station;
- receiving a primitive including a mobile identification number of the mobile station and including the reply URL indicating acceptance of the [[file]] ring tune by the mobile station following a previewing of ~~a specifically requested portion of the file~~ the ring tune at the mobile station;
- creating a usage record from the received primitive indicating the acceptance of the [[file]] ring tune;
- transmitting a confirmation reply message to the mobile station to thereby grant permission for the mobile station to permanently store the [[file]] ring tune within the mobile station;
- receiving a report and update of the usage record upon use of the ring tune employing the reply URL; and
- providing ~~compensation based on the usage record~~ credit on a bill for compensating the use of the ring tune.

o. Replace claim 35 to read as of the following,

In Claim 35,

35. (Currently Amended) An apparatus comprising:

- means for receiving a request from a mobile station for a ring tune deck identified by a Universal Resource Locator (URL) of the ring tune deck;
- means for providing a media deck corresponding to the ring tune deck to the mobile station;
- means for receiving a selection of a category from the media deck;

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means for providing specific links to ring tunes based on the received category selection from the media deck;

means for receiving a selection of a ring tune from the specific links to the ring tunes;

means for generating a transaction number based on the selection of the ring tune and sending a file with ~~[[a]]~~ said ring tune selected and a reply URL to the mobile station;

means for receiving a primitive including a mobile identification number of the mobile station and including the reply URL indicating acceptance of the ~~[[file]]~~ ring tune by the mobile station following a previewing of ~~a specifically requested portion of the file~~ the ring tune at the mobile station;

means for creating a usage record from the received primitive indicating the acceptance of the ~~[[file]]~~ ring tune;

means for transmitting a confirmation reply message to the mobile station to thereby grant permission for the mobile station to permanently store the ~~[[file]]~~ ring tune within the mobile station;

means for receiving a report and update of the usage record upon use of the ring tune employing the reply URL; and

means for providing ~~compensation based on the usage record~~ credit on a bill for compensating the use of the ring tune.

p. Replace claim 36 to read as of the following,

In Claim 36,

36. (Currently Amended) An apparatus comprising:

means for requesting ~~media content~~ a ring tune by sending a message with a header including a mobile identification number from ~~said a~~ a mobile station;

means for receiving a ~~message file~~ file with said ~~media content~~ ring tune requested, a reply Universal Resource Locator (URL) identifying a server, and a transaction identification at said mobile station;

means for verifying a format of said ~~media content~~ file;

means for temporarily saving said ~~media content~~ file within said mobile station based on the format of said ~~media content~~ file;

means for previewing ~~at least a portion of said media content~~ said ring tune requested on said mobile station, ~~the previewed portion of said media content being a specifically requested portion of said media content~~;

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means for sending a primitive with said mobile identification number from said mobile station to said server identified by said reply URL upon acceptance of said ring tune;

means for receiving permission to save said ~~media content~~ ring tune requested in response to receipt of the primitive at the server; [[and]]

means for permanently saving said ~~media content~~ ring tune within said mobile station only when the permission to save has been received from the server[.];

means for reporting and updating a usage record created at the server upon use of said ring tune employing said reply URL; and

wherein the use of the ring tune is compensated by receiving credit on a bill.

q. Canceled claim 37.

37 (Canceled).

r. Replace claim 38 to read as of the following,

In Claim 38,

38. (Currently Amended) The method of Claim 11, wherein ~~receiving a message with said media content comprises said~~ receiving a message the file with said ~~media content~~ ring tune requested comprising a plurality of content files, at least one content file having a class different from [[the]] a class of another content file.

s. Canceled claim 39.

39 (Canceled).

t. Canceled claim 40.

40 (Canceled).

Reason for Allowance

4. The following is an examiner's statement of reasons for allowance: None of the prior arts of records teach or suggest in combination features of previewing said ring tune on said mobile station; sending a primitive with said mobile identification number from said mobile station to said server identified by said reply URL upon acceptance of said ring tune; creating a usage record from said primitive; receiving, at the mobile station, permission to save said ring tune in response to receipt of the primitive at said server; permanently saving said ring tune within said mobile station only when the permission to save has been received from said server; reporting and updating said usage record upon use of said ring tune employing said reply URL; and receiving credit on a bill for compensating the use of said ring tune. None of the prior arts of records teach or suggest the features above in combination with independent claims 11, 16, 31, 33, 34, 35 and 36.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571) 272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Philip C Lee/

Primary Examiner, Art Unit 2452

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